

County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

July 19, 2016

Mark Mittereder 12198 Henderson Road Clifton, Virginia 20124

Re:

Request for Additional Time

Washington Apostolic Church, Inc., SPA 91-S-036

Dear Mr. Mittereder:

At its July 13, 2016 meeting, the Board of Zoning Appeals took action to APPROVE your request for additional time for the above-referenced application. The new expiration date is October 16, 2017.

If you have any questions, please contact your Staff Coordinator, Leila Mosadegh, at 703-324-1280.

Sincerely.

Emily J. Armstrong, Deputy Clerk

Board of Zoning Appeals

CC:

Diane Johnson-Quinn, Deputy Zoning Administrator

Zoning Permit Review Branch

FAX 703 324-3924

www.fairfaxcounty.gov/dpz/

ADMIN.

Additional Time to Commence and Diligently Pursue Construction Approved with Special Permit Amendment SPA 91-S-036, Washington Apostolic Church, Inc, Located at 11800 Braddock Rd., Tax Map 67-2 ((1)) 1, Braddock District.

ISSUE:

Board of Zoning Appeals (BZA) consideration of additional time to commence and diligently pursue construction for SPA 91-S-036, pursuant to the provisions of Sect. 8-015 of the Zoning Ordinance.

RECOMMENDATION:

Staff recommends that the BZA approve the request for 12 months of additional time for SPA 91-S-036 to October 16, 2017.

BACKGROUND:

On April 16, 2014, the BZA granted Special Permit SPA 91-S-036. The application was filed in the name of Washington Apostolic Church, Inc. to amend SPA 91-S-036, previously approved for a church, to permit the addition of a child care center, increase in seats and site modifications, for the property described as Tax Map 67-2 ((1)) 1 (see Parcel Map, Attachment 1). The development conditions for SPA 91-S-036 are included as part of the Resolution; a copy of the approved plat is also attached (Attachment 2). The SPA was approved with a provision of automatic expiration, should construction not commence and be diligently pursued within 30 months of the date of approval. The expiration date is October 16, 2016.

Under Sect. 8-015 of the Zoning Ordinance, if the use is not established or if construction is not commenced within the time period specified by the BZA, an approved Special Permit shall automatically expire without notice unless additional time is approved by the BZA. A request for additional time must be filed with the Zoning Administrator prior to the expiration of the Special Permit. The BZA may approve additional time if it determines that the construction remains in accordance with the applicable provisions of the Zoning Ordinance and that approval of additional time is in the public interest.

The Department of Planning and Zoning received a request on June 02, 2016 from Mark Mittereder, AIA, requesting an additional twelve (12) months to commence and diligently pursue construction. The applicant states that Urban Engineers, the civil engineers for the project, are currently processing the site plan. The applicant anticipates the application for the building permit to be submitted within the next two months, and all County approvals necessary to

commence construction to be received by the end of year 2016. In order to avoid expiration of the SPA, the applicant must commence construction and diligently pursue it; construction need not be completed prior to the date of automatic expiration. The new expiration date would be set to October 16, 2017.

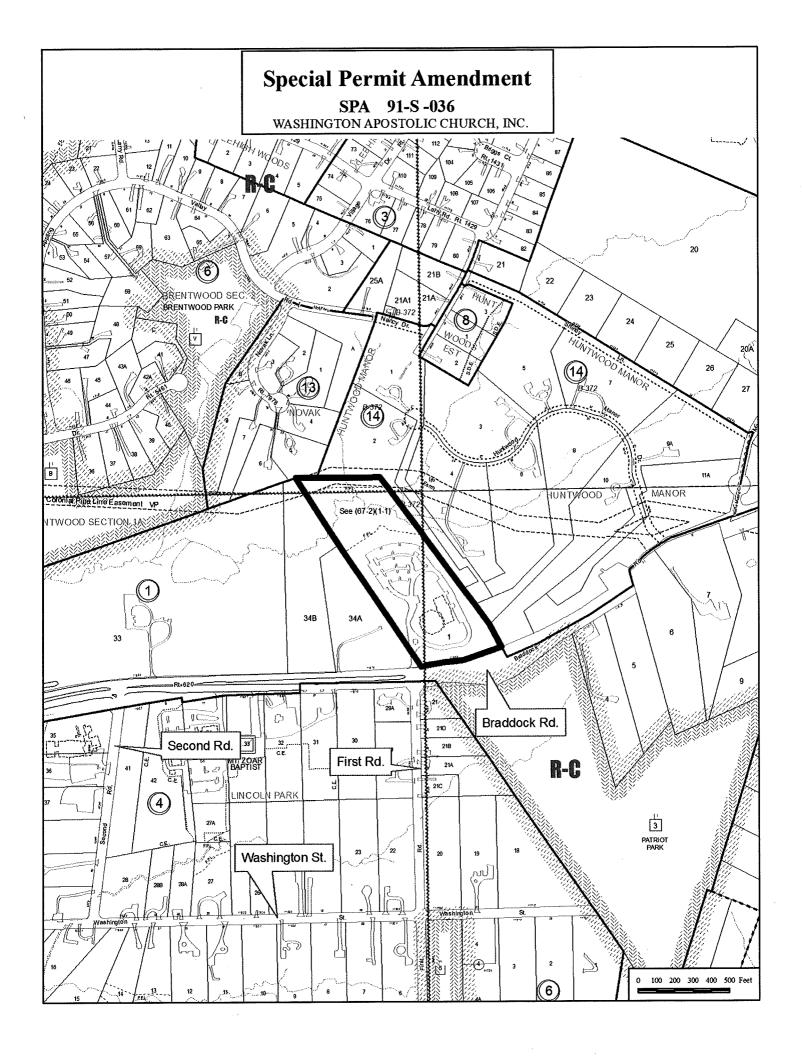
Staff has reviewed Special Permit Amendment SPA 91-S-036 and has established that, as approved, it is still in conformance with all applicable provisions of the Fairfax County Zoning Ordinance. Staff knows of no changes in land use circumstances which affect the compliance of SPA 91-S-036 with the standards applicable to this use and which should cause the filing of a new Special Permit application and review through the public hearing process. Finally, the conditions associated with the BZA's approval of SPA 91-S-036 are still appropriate and should remain in full force and effect.

ENCLOSED DOCUMENTS:

1) Locator Map; 2) Resolution and Plat for SPA 91-S-036; 3) Letter from Mark Mittereder, requesting additional time to commence and diligently pursue construction, received June 02, 2016.

STAFF:

Brent Krasner, Chief, Special Permit and Variance Branch, Zoning Evaluation Division, DPZ; Leila Mosadegh, Planner, Zoning Evaluation Division, DPZ



COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

WASHINGTON APOSTOLIC CHURCH, INC., SPA 91-S-036 Appl. under Sect(s). 3-C03 of the Zoning Ordinance to amend SP 91-Y-036 previously approved for a church to permit the addition of a child care center, increase in seats and site modifications. Located at 11800 Braddock Rd., Fairfax, 22030, on approx. 10.73 ac. of land zoned R-C and WS. Braddock District. Tax Map 67-2 ((1)) 1. (Admin. moved from 11/6/13, 12/11/13, 1/15/13, 1/29/14, and 3/5/14 at appl. req.) Mr. Hart moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on April 16, 2014; and

WHEREAS, the Board has made the following findings of fact:

- 1. The applicant is the owner of the land.
- 2. The Board has a staff recommendation of approval, and the Board adopts the rationale in the staff report.
- 3. There will not be any significant changes from the original approval, over 20 years ago, on the surrounding properties.
- 4. With the imposition of the development conditions, any impacts are satisfactorily addressed.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

- 1. This approval is granted to the applicant only, Washington Apostolic Church Inc., and is not transferable without further action of this Board, and is for the location indicated on the application, 11800 Braddock Road, Fairfax, Virginia, and is not transferable to other land.
- 2. This special permit is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special permit plat titled "Washington Apostolic Church, Inc., Special Permit Amendment" prepared by Urban, Ltd., dated March 18, 2013 and

- revised through April 3, 2014, and approved with this application, as qualified by these development conditions.
- 3. A copy of this special permit amendment and the new Non-Residential Use Permit **SHALL BE POSTED** in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
- 4. This special permit amendment is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special permit shall be in substantial conformance with these conditions. Minor modifications to the approved special permit may be permitted pursuant to Par. 4 of Sect. 8-004 of the Zoning Ordinance.
- 5. The maximum number of seats in the main area of worship shall be 750. The maximum number of parking spaces on site shall be 277 as shown on the special permit plat. All parking for the church should be on site.
- 6. All parking shall be on site as depicted on the special permit amendment plat. A shared parking agreement shall be obtained through DPWES as required for Sect. 11-106.3 of the Zoning Ordinance prior to issuance of a Non-RUP for the child care center to permit the shared use of the church parking lot for both the church use and child care center uses. If approval of a shared parking agreement is not obtained, the number of seats in the worship area and/or the number of children in the child care center shall be reduced to meet the parking requirements as determined by DPWES.
- 7. The limits of clearing and grading shall be as shown on the landscape plan submitted with this application titled "Washington Apostolic Church, Inc., Special Permit Amendment" prepared by Urban, Ltd., dated March 18, 2013 and revised through April 3, 2014.
- 8. Transitional screening shall be provided as shown on the attached landscaping plan dated March 18, 2013, and revised through April 3, 2014. The existing vegetation shall be used to satisfy the requirement provided it is supplemented with additional planting to meet the Transitional Screening 1 requirements of Section 13-303 of the Zoning Ordinance as determined by the Urban Forest Management Division.
- 9. The barrier requirements of Sect. 13-304 of the Zoning Ordinance shall be waived, except along the eastern lot line, where a 6-foot board-on-board fence, approximately 650 feet long, has been provided.
- 10. The area immediately southward and parallel with the limits of the stream valley EQC depicted on the special permit plat as "existing wooded area to remain

undisturbed" shall be identified as "Additional Area to be Preserved as EQC" on any site plan submitted subsequent to this approval. Other limits of clearing and grading shown as proposed transitional screening and tree preservation areas should also be identified on the plat.

- 11. The Environmental Quality Corridor (EQC) shall be denoted as shown on the special permit plat. There shall be no clearing of any vegetation in this area except for dead or dying trees or shrubs and no grading. There shall be no structures located in the EQC area. The limits of clearing and grading shall be as shown on the plat submitted titled "Washington Apostolic Church, Inc., Special Permit Amendment" prepared by Urban, Ltd., dated March 18, 2013 and revised through April 3, 2014.
- 12. Any proposed lighting of the parking area shall be in accordance with the following:
 - The combined height of the light standards and fixtures shall not exceed twelve feet.
 - The lights shall be focused directly on to the subject property.
 - Shields shall be installed, if necessary, to prevent the light from projecting beyond the facility.
- 13. Best Management Practices (BMPs) shall be provided to the satisfaction of the Director, Department of Environmental Management. The limits of clearing and grading shown on the special permit plat around stormwater management facilities shall not be enlarged into any Resource Protection Area or undisturbed open space.
- 14. A geotechnical study, prepared by a geotechnical engineer experienced in soil and foundation engineering, shall be submitted as determined by the Department of Environmental Review at the time of site plan review. In conjunction with the County Soil Science Office and DEM, the applicant shall: (1) ensure that all construction personnel are alerted to this potential health risk, and (2) provide the appropriate construction techniques as determined by DEM, to minimize the risk on and off site. Such techniques may include dust suppression measures during all blasting and drilling activities, covered transport of removed materials, and appropriate disposal of removed materials.
- 15. The sign located at the site entrance shall not be lighted and shall conform to the provision of Chapter 12.
- 16. Prior to site plan approval, the design and location of the septic field shall be approved by the Fairfax County Health Department. If the Health Department approval is not obtained, the special permit shall be null and void.

17. The ingress/egress easement over Lot 34, which serves the Apostolic Church property, shall be recorded among the land records of Fairfax County and shall run to the benefit of Lot 34 and Fairfax County, in perpetuity, with title to the land encompassing Lot 34. This easement agreement shall be subject to the review and approval of the Fairfax County Attorney prior to the approval of the site plan.

These conditions incorporate and supersede all previous conditions. This approval, contingent on the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be responsible for obtaining the required Non-Residential Use Permit through established procedures, and this special permit shall not be valid until this has been accomplished.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless construction has commenced and been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested, and an explanation of why additional time is required.

Mr. Hammack seconded the motion, which carried by a vote of 7-0.

A Copy Teste: Lorraine A. Giovinazzo, Deputy Werk **Board of Zoning Appeals**

ACKNOWLEDGEMENT

REG # 7260104

COMMISSION

Commonwealth of Virginia		
The foregoing instrument was acknowledged before me this April, 2014.	<u>23</u>	day of
(20 Hulltenin	WYA	TT HAR
Notary Public	PUB REG # 7	LIC 260104

My commission expires: 9-30-2017

WASHINGTON APOSTOLIC CHURCH, INC FAIRFAX COUNTY, VIRGINIA **BRADDOCK DISTRICT** (SPA 91-S-036)

SPECIAL PERMIT AMENDMENT

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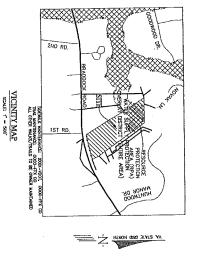
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Chairman, Board of Zonling Appends Age 1 5PA 91-5-036

SPECIAL PERMIT PLAN NOTES

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CHILD CARE CENTER TO ACCOMMODATE A MAXIMUM OF 99 CHILDREN

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TOTAL SITE AREA FOR THIS SPECIAL PERMIT OMUM PERMITTED GROSS FLOOR AREA: R-C FARM - 0.15 STE AREA 467,573 S.F. X 0.15 = 70,136 MAX. GFA = 10,734 AC. (487,573 S.F.)

TAL BUILDING: = 18,000 S.F. (INCLUDES 1,000 S.F. MEZZANNE)
TAL BUILDING: = 25,000 S.F. (S.F. MEZZANNE)

- 35,000 S.F.

OPOSED BUILDING HEIGHT - 80 FT NUM PERMITIED FLOOR AREA RATIO = 0.15

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BUT NOT LESS THAN 2D FT

OTE: SEE SHEET \$2 FOR BULK PLANE DIAGRAMS

EQUIRED PARKING FOR CHURCH:
- 750 SEATS X 0.25 SPACES/SEAT - 188 SPACES PED PARKING FOR CHILD CARE CENTER:

- 99 CHILDREN X 0.16 SPACES/CHILD = 16 SPACES

DI RECORAINA AREA FOR CHILD CARE CENTER
TOO SOUME PEET OF USARE OUTDOOR RECORATION AREA SHALL BE PROVIDED FOR
EACH CHILD THAT MAY USE THE SPACE AT ANY ONE THE
25 CHILDREN* X 100 SO FT/CHILD = 2,500 SO FT OF PLAY YARD REQUIRED

-Royddd recreation area - 2,523 sg. ft 14,015 - 25 churru y USE the proposed recreation area at any one the Dalgitutions for undisturbed areas.

ORGINAL SITE PLAN (8935-59-01-3); 8.12 AC, DISTURBED AREA (57%)* 4.59 AC, UNDISTURBED AREA (43%); 10.69 AC, TOTAL

RECEIVED Department of Planning & Zoning APR 1 5 ZOM
Zoning Switzeton Denoices

SCALE: AS NOTED

BASED ON ORIGINAL LIMITS OF DISTURBANCE SHOWN ON PROPONED STE PLAN, DATA COMPUTED USING PHOEDIX LAND ESDOYS ORIGINAL CAD FILE PROVIDED TO URBAN, LTD. BY HE APPLICANT.

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SPECIAL PERMIT AMENDMENT
BRADDOCK DISTRICT
FARRAX COUNTY, VIRGINIA

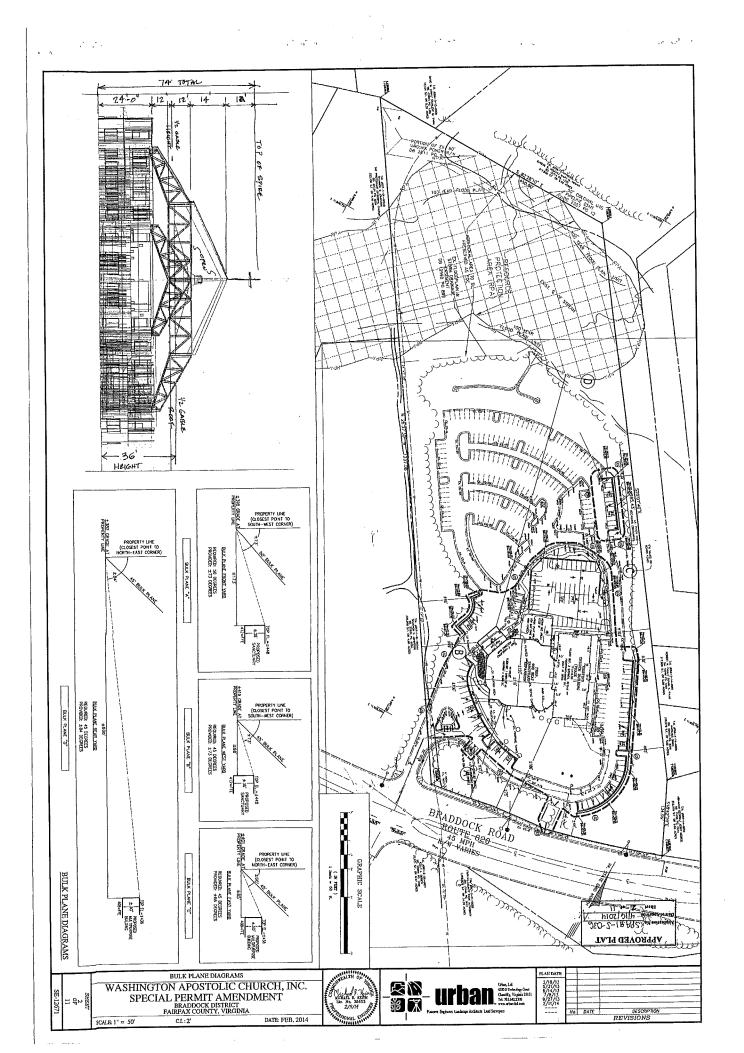
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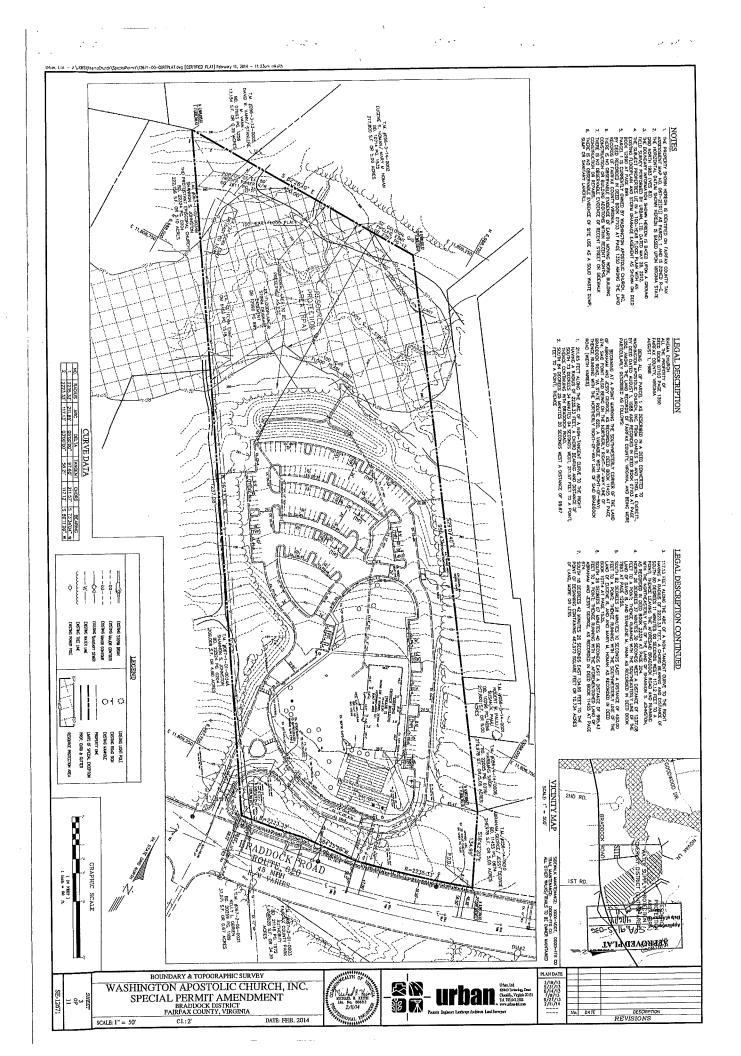
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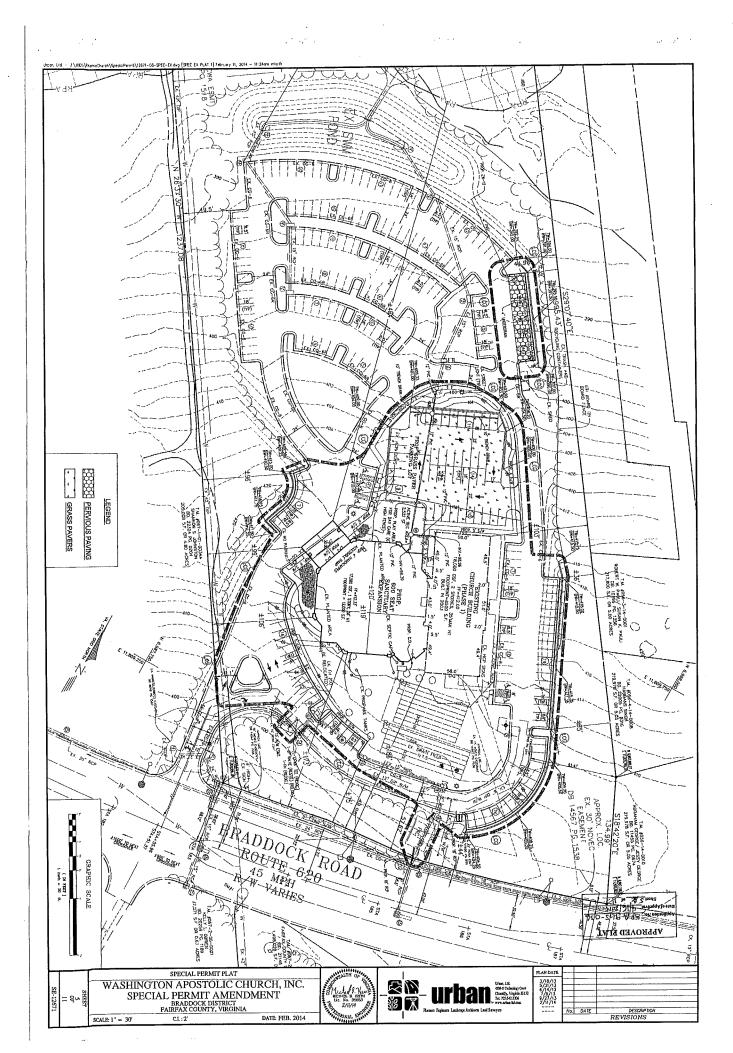


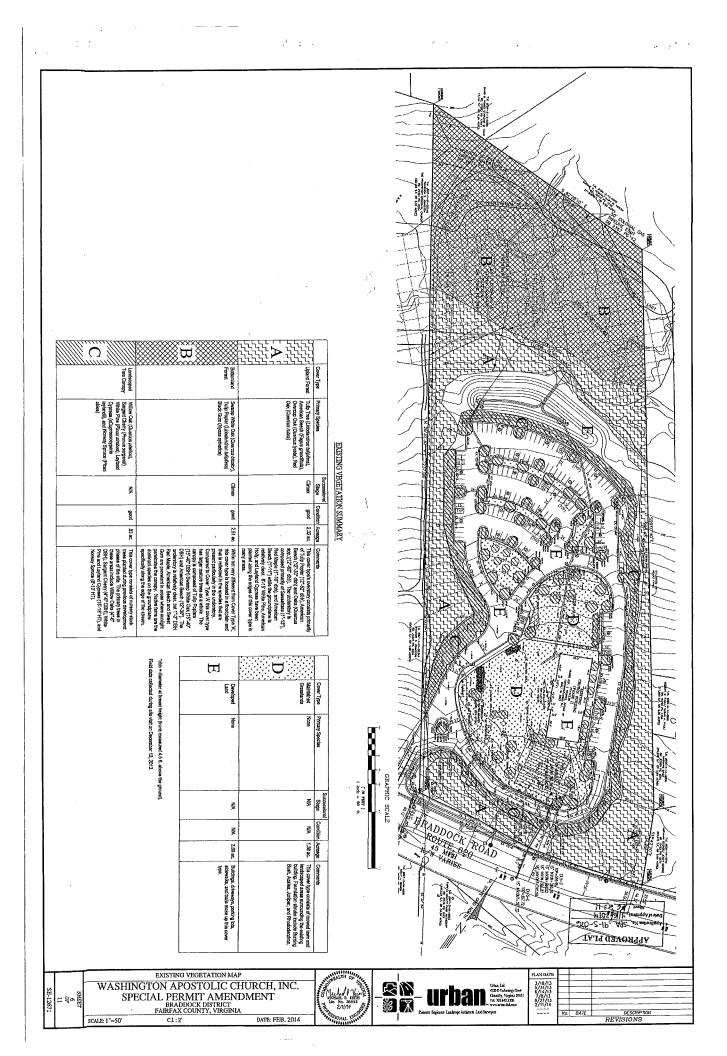


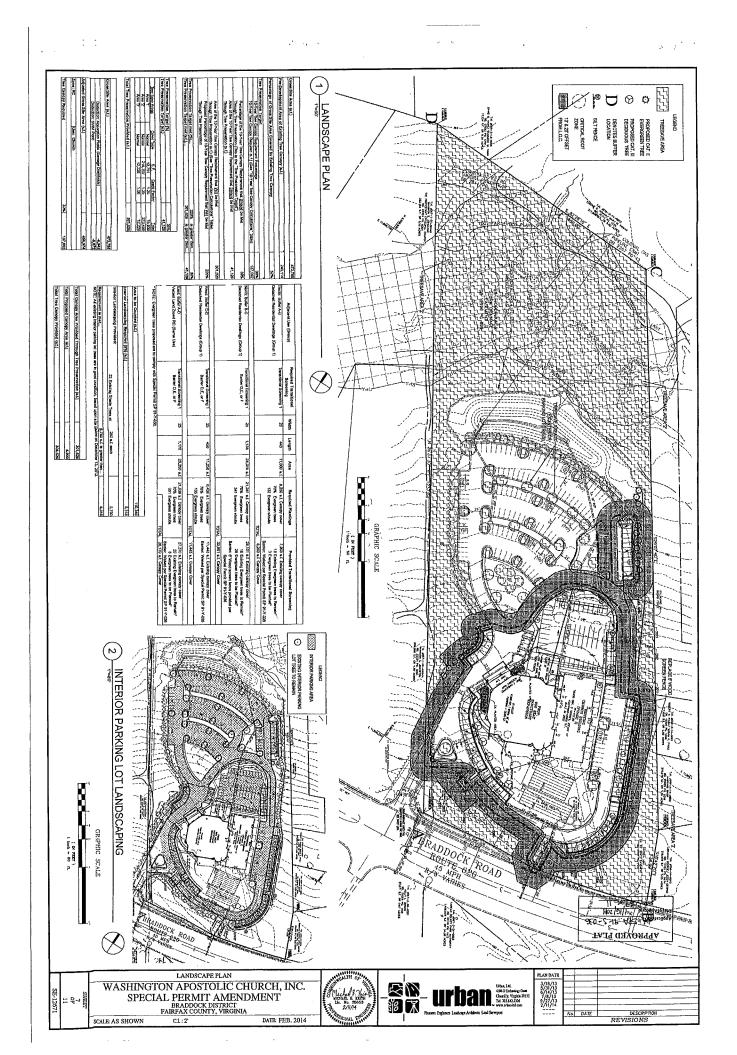
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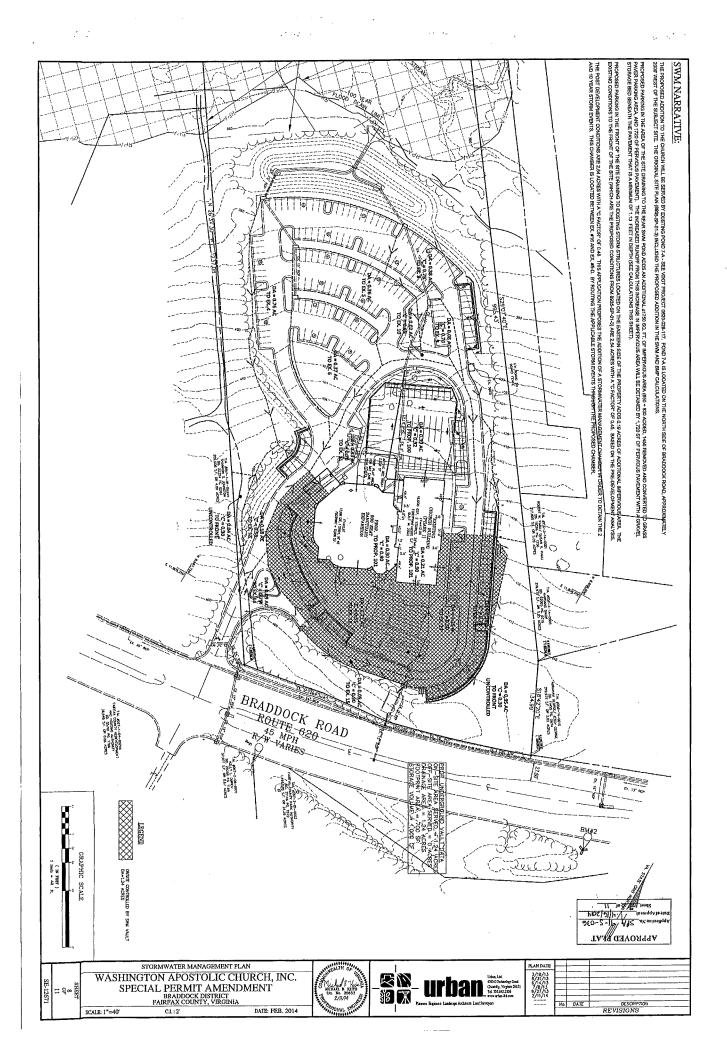
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BRADDOCK DISTRICT
PARPAX COUNTY, VIRGINIA

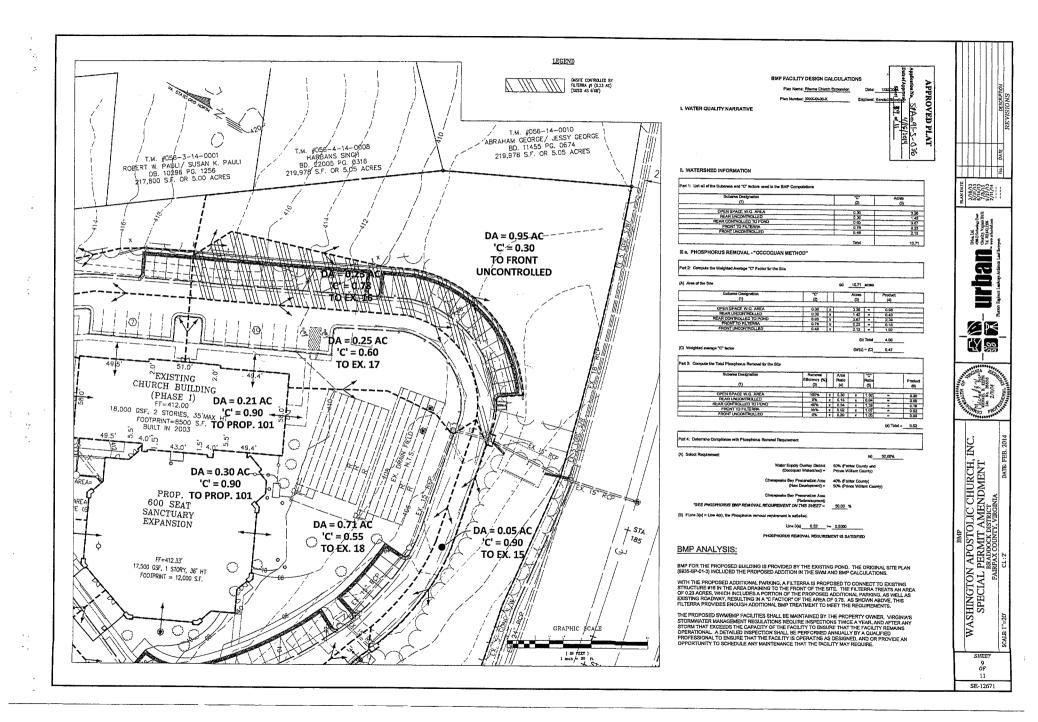
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** Excludes travel time and exporaes for laborer and disposal of mulch.

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B. If the filters. I is stood before installation, the top slab must be placed on the bot making the 2x4 wood provided, to pre-suit any contamination from the site. All thrends fittings supplied (if any), must be self in place as per the delivery. A. Each meit shall be constituted at the locations and elevations according to a shown on the approved drawings. Any modifications to the elevation or location of the direction of such approved by the finglineer.

Censtruction & Installation

Application of the property of

УРРКОУЕD PLAT

Filterra Standard Plan Notes

D. Outlet connections shall be aligned and sealed to meet the opproved drawings with modifications mocessory to meet site conditions and local regulations.

DESCRIPTION REVISIONS

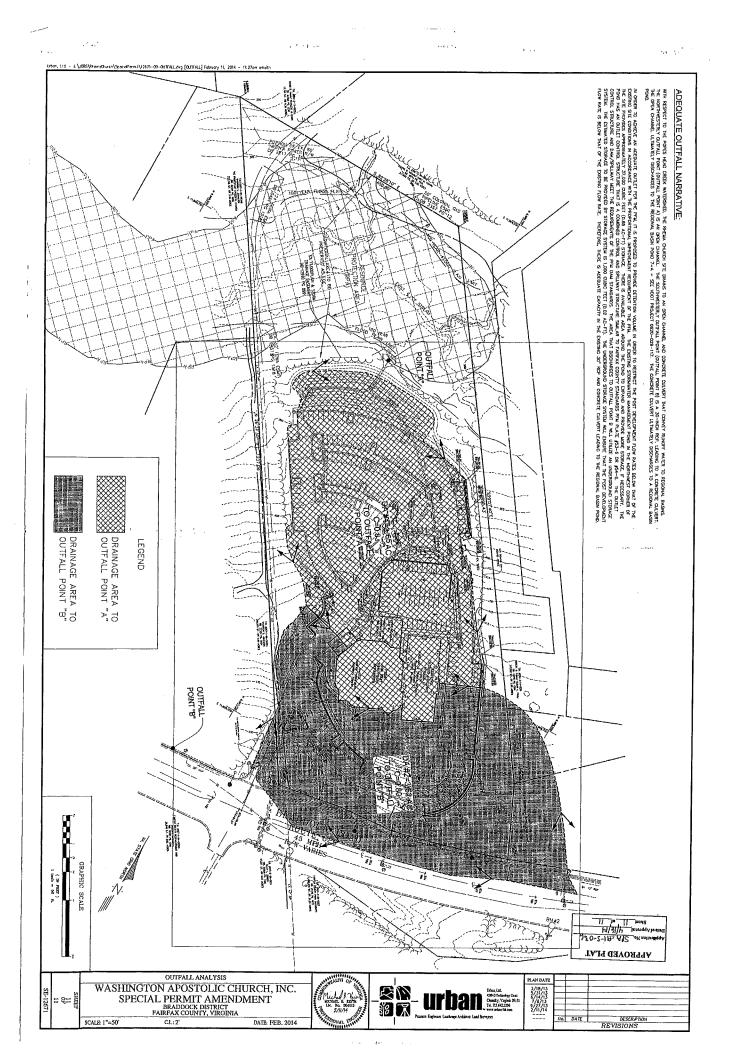
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INNOVATIVE HMP TRACKING FORM

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April 8, 2016

* Hand Delivered to ZED, 8th Floor *

FAIRFAX COUNTY RECEIVED APR 08 2016 **DIVISION OF** ZONING ADMINISTRATION

County of Fairfax Department of Planning and Zoning **Zoning Evaluation Division** 12055 Government Center Parkway Suite 801 Fairfax, VA 22035

origiam

Re:

Washington Apostolic Church, Inc.

11800 Braddock Road Fairfax, VA 22030

Department of Planning & Zoning JUN 02 2016

RECEIVED

Subject:

Request for extension of Approved Special Permit Amendment Evaluation Division SPA 91-S-036

SPA 91-S-036

To Whom It May Concern,

The Washington Apostolic Church would like to request an extension of Special Permit Amendment SPA 91-S-036 for a period of 12 months. Currently the civil engineer for the church, Urban Engineering, is processing the site plan for the project. The site plan number is 8935-SP-002-3. The site plan is expected to be approved by the County soon. The building permit drawings are expected to be submitted to the Building Plans Review Branch within the next 2 months. All county approvals necessary to commence construction are therefore expected to be received this year.

In order to be proactive, this request for extension is being submitted early, so that proper processing by the County can be obtained. Please advise if you need any further information to process this request.

Sincerely,

Mark Mittereder, AIA

President ArchGroup Inc.

Cc: Pastor Joe Lozano, Washington Apostolic Church

Mark Metterde -

ArchGroup, Inc.

12198 Henderson Road - Clifton, Va, 20124 - 703 830-1299